

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA

CR 11-263-BR

v.

**ORDER TO PRODUCE EVIDENCE FOR
RETESTING BY DEFENSE EXPERT**

MYKAL BRANDON ORNELAS,

Defendant.

UPON THE DEFENDANT'S MOTION for an order which requires the Government to produce the following exhibit(s), to-wit:

Exhibit Number

Agency Case Number

Exhibit # 1

Beaverton Police # 11-4462
(OSP Lab # 11L-003271)

for analysis and identification of the controlled substance contained therein by a defense expert,
AND UPON THIS COURT'S CONSIDERATION of the arguments and pleadings filed,

IT IS HEREBY ORDERED and DECREED in accordance with FED. R. CRIM. P 16(a)(1)(E), that the Government shall allow the defense to independently inspect and analyze a representative sample from each of the above-listed drug exhibit(s); and

IT IS FURTHER ORDERED that a Government agent shall deliver the drug exhibit(s) identified above to **Central Valley Toxicology, Inc., DEA License No. RC0112095**, located at **1580 Tollhouse Road, Clovis, California**, with telephone no. **(559)-323-9940**. The Government shall arrange the delivery of said representative sample(s) on or before **January 27, 2012**; and

IT IS FURTHER ORDERED, that upon delivery of the exhibit(s) identified above to the defense expert, for chain of custody and evidence integrity purposes, that a Government agent shall be present when the defense expert inspects, weighs and removes a representative sample of the exhibit(s) identified above for analysis. The representative sample shall be in the amount of 500 mg or not more than one-half ($\frac{1}{2}$) the current reserve weight, if less than 1 gram presently remains as the reserve weight, from each of the above-described exhibit(s). The weight of each representative sample taken shall be documented and signed by the defense expert and provided to the Government agent in attendance. Upon the completion of the sample removal and weighing, the defense expert shall, forthwith, return the remaining above-listed exhibit(s) to the Government agent in attendance; and,

IT IS FURTHER ORDERED, that the defense expert shall conduct the qualitative analyses and identification ordered herein, and shall provide the Government with an *Unsworn Declaration Under Penalty of Perjury*, under 28 U.S.C. § 1746, executed by the individual who conducted the analyses, or the head of the facility where the analyses occurred, which states the quantity of each exhibit consumed during testing, and either the weight of each exhibit returned to the Government, or a statement that all sample was consumed during testing; and

IT IS FURTHER ORDERED that all remaining material of the sample(s), after testing, is to be returned by **Central Valley Toxicology, Inc.** to **Officer Tom Stewart** of the **Beaverton Police Department** via registered U.S. mail, return receipt requested, or approved commercial carrier, addressed to: **4755 SW Griffith Drive, Beaverton, Oregon, 97005, Phone: (503) 526-2260**, within five (5) business days after the completion of analyses; and,

IT IS FURTHER ORDERED, in accordance with FED. R. CRIM. P. 16(b)(1)(B), that the defendant shall provide the Government (U.S. Attorney's Office, 1000 S.W. Third Avenue, Suite 600, Portland, Oregon 97204) with a copy of the results or report of the physical examinations and scientific tests or experiments which resulted from the analyses conducted under this Order: and,

IT IS FURTHER ORDERED, that **Central Valley Toxicology, Inc.** is to safeguard the representative sample(s) received, preserving the chain of custody in a manner to faithfully protect the integrity of each exhibit received.

SO ORDERED this 10th day of January, 2012.



HONORABLE ANNA J. BROWN
UNITED STATES DISTRICT COURT JUDGE

APPROVED AS TO FORM:

/s/ Thomas E. Price

Thomas E. Price, OSB # 903626
Attorney for Defendant

/s/ Scott Kerin

SCOTT M. KERIN, OSB # 965128
Assistant United States Attorney